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PATENT & TRADEMARK OFFICE

10-04-04 3626

Docket No. 36287-03400
Express Mail Label No. EV 252 570 312 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Steven Neiman; Roman Sulzhyk			
Serial No.	:	10/065,546	**Group Art Unit**	:	3626
Filed	:	October 29, 2002	**Examiner**	:	TBA
For	:	***System And Method For Allocating Computing Resources***			

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

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2. [ ] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.

3. [ ] Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [ ] Continuation, [ ] Divisional or [ ] Continuation-In-Part application under 37 C.F.R. §1.60, U.S. Serial No. _____, filed _____.

4. [X] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

[ ] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

[ ] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.

[X] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [ ] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

[ ] A check in the amount of $180.00 is enclosed in payment of the fee.

[ ] Charge the fee to Deposit Account No. 13-3250. Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

b. the attached petition requesting consideration of this Information Disclosure Statement; and

c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

a. [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;

b. [ ] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.

c. [ ] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. [ ] I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

[ ] I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [ ] A check in the amount of $180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i).

[ ] Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 13-3250. Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

[X] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-3250. Order No. 36287-03400. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MILBANK, TWEED, HADLEY & McCLOY LLP

October 1, 2004

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)	Docket No. 36287.034000

Appl. No.	:	10/065,546
Applicants	:	Steven Neiman *et al.*
Filed	:	October 29,. 2002
TC/A.U.	:	3626
Examiner	:	TBA
Docket No.	:	36287-03400
Customer No.	:	27171
Title	:	***System and Method for Allocating Computer Resources***

I hereby certify that this :

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(to be used for all correspondence after initial filing)

Application Number	10/065,546
Filing Date	October 29, 2002
First Named Inventor	Steven Neiman et al.
Art Unit	3626
Examiner Name	TBA
Attorney Docket Number	36287.03400

Total Number of Pages in This Submission

ENCLOSURES (*Check all that apply*)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☑ Information Disclosure Statement (Supplemental)
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☐ CD, Number of CD(s) _____
- ☐ After Allowance Communication to a Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
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7 page Information Disclosure Citation; Copies of 111 cited references; and Certificate of Mailing (Express Mail Label No. 252 570 312US)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Christopher J. Gaspar, Reg. No. 41, 030 Milbank, Tweed, Hadley & McCloy, LLP 1 Chase Manhattan Plaza, NY NY 10005
Signature	
Date	October 1, 2004

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: October 1, 2004

Typed or printed	Sandra M. Marino		
Signature	Sandra M Marino	Date	October 1, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 36287.03400	SERIAL NO. 10/065,546
INFORMATION DISCLOSURE CITATION	APPLICANT Steven Neiman et al.	
(Use several sheets if necessary)	FILING DATE October 29, 2002	GROUP ART UNIT 3626

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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